

EXHIBIT 56

Letter dated September 15, 1939 to Walker River Irrigation
District from William M. Kearney

WILLIAM M. KEARNEY
ATTORNEY AT LAW
RENO, NEVADA

September 15, 1939

Walker River Irrigation District
Yerington, Nevada

Gentlemen:

We were advised today by telegram from one of the attorneys representing the United States in the case of United States vs. Walker River Irrigation District that the government has definitely decided to file an appeal with the Supreme Court of the United States.

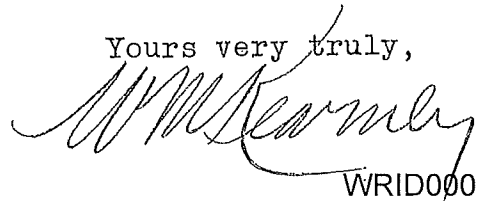
In order that the Board may fully understand the situation, I desire to explain that if the district and the other defendants do not file a cross-petition for certiorari or appeal with the Supreme Court of the United States that we cannot argue or present any matter which would tend to modify the decision of the Circuit Court of Appeals, granting to the government 26½ feet of water with a priority of 1859 but we can argue and present matters to prevent a further modification of the ruling of the Circuit Court of Appeals.

Unless we file a cross-petition for certiorari on the point that the government's withdrawal of the land did not include a withdrawal of the water, we are prevented from attempting to sustain Judge St. Sure's decree which does hold that the government did not withdraw any water in 1859 but only appropriated the water in the same manner as did the whites, namely, by diversion and beneficial use.

Mr. Lunsford, who is representing the Antelope Mutual Water Company, which embraces the defendants in Antelope Valley, desires to file a cross-petition so that we will not waive the point that we established before Judge St. Sure. We will be in a far better position to argue the entire case if we do file a cross-appeal or petition for certiorari. The cost will not be a great deal different in either case, consequently, I should like to have you consider the matter from the foregoing point of view so that we can prepare the record accordingly in support of cross-petition.

Please let me hear from you immediately as I am now working on the case, getting the matter in shape to oppose the government's appeal.

Yours very truly,



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